

Spl. No.04/16
Reg No. 02/2022

Order No. 245

Dated : 28.06.2022

Out of 8 charge sheeted accd.persons facing trial, today A2 Mihir Sen Burman and A4 Prateek Bhalotia are present by filing hazira. Their Ld. Lawyers are present. A1 A.M. Sahay is absent by petition u/s 317 CrPC. His Advocate is present. A3 Rabindra Nath Bhalotia is also absent u/s 317 CrPC and his Lawyer moves the petition. A5 Jashpal Singh Chandak , A6 Sandip Chadda, A7 P.M Seth , A8 Uday Bhan Pandey all are absent by petition u/s 317 CrPC and their Ld. Lawyer is present and moves the petition.

Ld.P.P. for CBI is present.

Today is fixed for hearing the petition on non supplying the copies filed by A1 and A2 on 01.10.19 in presence of IO and also prayer for defreezing the PPF Account and sell off the flat in question.

The record is taken up for hearing regarding defreezing the PPF Account and sell off the flat.

In course of hearing, Ld. PP for CBI has submitted that no objection petition is filed by IO with regard to defreez the PPF Account in the name of petitioner Smt. Shalu Singh and filing another no objection petition with regard to sell off the property as filed by A1.

Ld. Lawyer for petitioner Mr. Jashpal Singh Chandak also draws my attention that on 21.06.22 one petition with a prayer for foreign visit was filed and the same is also fixed today for hearing.

It is also taken up for hearing.

The petitioner Jashpal Singh Chandak, in writing, has submitted inter alia that he is a businessman and proprietor of M/S. Balu India for dealing with the business of manufacturing goods as export house to export in different countries including Dubai, Turkey, England, France etc.. For the business purpose, he is used to frequently visit abroad and he had been permitted by this court to travel abroad for augment business purpose on several previous occasions.

It is further submitted that again further purpose of his business, he is to go to abroad during the period from 01.07.22 to 20.08.22 , 10.09.22 to 30.09.22 , 15.10.22 to 30.10.22 , 15.11.22 to 30.11.22 and 12.12.22 to 31.12.22 for his business to beyond India.

He is praying for permitting him to travel beyond India by intimating to the CBI Authority and pass such other appropriate order. Prayer of the petitioner supported with itinerary. This petition is moved by his Ld. Advocate.

Ld. PP for CBI has strongly raised objection by submitting that the petitioner being one of the accused, is facing this criminal proceeding and the trial is still

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pending and if he is permitted to go abroad then there is every chance of absconding and it will hamper the trial.

Heard both sides.

It appears from the record that this accused person being a businessman dealing export business of manufacturing goods, has been granted permission by this court time to time to visit abroad in earlier occasions and this accused/petitioner has complied the court's direction.

It is also pertinent to mention that the stage of the case is not yet made ready for trial as because copy u/s 207 Cr.P.C has not yet been fully supplied with.

Considering all these aspects, I find that there is no reason to apprehend for absconding.

As such, the prayer for permission to visit abroad should be allowed upto 30.10.22 with certain conditions each and every interval visit, he has to report to the court by appearing in person. It is meant that petitioner after completion of 1st phase of visit starts from 01.07.22 to 23.07.22 has to report to the court as soon as he arrived in India, in same way, after completion of 2nd phase visit from 04.08.22 to 20.08.22 he has to report to this court, after completion of 3rd phase visit from 10.09.22 to 30.09.22 he has to report to this court and last phase of visit from 15.10.22 to 30.10.22 he has to report.

He is further directed that before leaving country for travelling abroad in each phase he has to furnish the roaming phone number to the I.O of this case, so that IO can keep in touch with him during his visit in abroad.

At this stage, the prayer for visit from 15.11.22 to 30.11.22 and 12.12.22 to 31.12.22 stands rejected.

Accordingly, the petition for foreign visit dated 20.06.22 filed by accused Jashpal Singh Chandak stands disposed of on contest.

Today is also fixed for hearing the prayer for sell off one flat located in Mukherjee Enclave, Anishabad, Mouza Dhira Chak, PS- Gardani Bag, Dist-Patna and also the prayer for defreez PPF Account of Shalu Singh. Both petitions are taken for consideration.

Petitioner/A1 A.M. Sahay has stated in writing on 21.02.22 that this court vide order dated 24.09.14 had returned all the property papers including Sell Deed No. 14680 of the year 2012 relating to flat in question and he has sought permission to sell off flat in question. The petition is moved by his Ld. Advocate. Ld. PP has submitted that I.O has filed written no objection on the ground state therein.

On carefull perusal of the no objection petition filed by I.O, it appears that the petitioner has sought for permission to sell or dispose of the flat No.204 in

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Mukherjee Enclave, Anishabad, Mouza- Dhira Chak, PS- Gardani Bag, Dist-Patna in the name of A1 Sahay and his wife Sima Sahay. In para 6 he has stated that the said property has not yet been relied upon by CBI in the investigation of the instant case and the CBI has no connection to sell or dispose of as desired by the petitioner. So he has prayed before this court to pass suitable order as deem fit.

In view of the no objection petition filed by the I.O before this court on the ground of not reliable upon the property in question by investigeting agency in the instant case, I think there is no legal impedement to allow the prayer of the petitioner.

As such, A1/petitioner is permitted to sell or dispose of flat No.204 in Mukherjee Enclave, Anishabad, Mouza- Dhira Chak, PS- Gardani Bag, Dist-Patna in respect of Sell Deed No. 14680 of the year 2012 subject to the condition that after disposal of the property, the petitioner has to furnish the xerox copy of current Sell Deed to this court for future reference.

Now, the prayer for defreezing the PPF Account is taken up for consideration. Petitioner Smt. Shalu Singh has prayed for defreezing PPF Account No. 30709275809 maintained with State Bank of India Versova Branch, Mumbai in the name of her.

Heard the Ld. Lawyer for the petitioner.

Heard the Ld. PP for CBI who has clearly submitted that there is no objection on the part of the prosecution as I.O has furnished the written no objection petition.

I have perused the no objection petition of the I.O. It appears that I.O in Para 4 of his no objection petition has stated that the petitioner has been praying for to defreez PPF Account No. 30709275809 maintained with SBI in the name of the her, in Para-5 I.O has stated that during investigation searches were conducted on various places including the residence of accused public servant Sri. A.M. Sahay , documents pertaining to investment of the said accused and his family members were found from his residence and as well as from the possession of the some private persons. Accordingly, all such accounts were freezed by CBI. The bank statement of those accounts were located by CBI during course of investigation.

In Para 6, he has further stated that defreez of PPF Account No. 30709275809 in the name of the petitioner, maintained with SBI above named branch was not found relevant in the perspective of investigation of the alleged offences of the instant case and was accordingly, not mentioned as relied upon document. So he has no objection for defreezing the above named account.

In view of the no objection petition filed by the I.O on the ground stated therein, I find no reason to refuse the prayer of the petitioner.

As such the prayer of the petitioner stands allowed and the Branch Manager

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of that SBI Versova Branch, Mumbai is hereby directed to defreez PPF Account No. 30709275809 and further directed to send or forward the latest statement of that PPF Account to the court for future reference. The copy of the order sheet be forwarded to the branch Manager of that bank through I.O of this case and I.O has to collect the latest statement of account in question for submitting before the court on next date.

Now, I have to consider the non supplying copy in question and prayer of I.O for personal appearance.

Today is also fixed for non supplying of copies.

It is found that I.O is not present in person.

On being asked to the Id. PP for CBI about the absence of I.O by defying the court's order then Ld. P.P has stated that I.O has been duly informed and he is on the way.

Subsequently, within one hour at about 11.45 A.M , I.O appears before the court and on being asked the non compliance of the court's order then I.O on dock prays for apology and in writing he has stated that due to the engagement of investigation of the case referred by the Hon'ble High Court and due to his inadvertant mistake he failed to appear in person as directed by this court first day on 23.11.21, 2nd day on 06.01.22, 3rd day on 20.04.22 and lastly today (28.06.22) . He prayed for exemption from his lapses.

On the basis of his prayer and oral apology, I.O is exonerated from his lapses with a caution that he be vigilant and sincere towards the court's order in future.

In the same petition, I.O has also stated regarding the non supplying the copies that on 24.07.19 copies were supplied as per section 207 Cr.P.C.on the basis of the petition dated 10.08.18 and 01.10.19 filed by the petitioner. But the receipt regarding receiving of the copy is not available in their record. So he has prayed for time either to submit that receipt or to supply the copy afresh as asked for.

On hearing both sides and after considering the prayer of the I.O the time is allowed with a direction to submit report regarding compliance of section 207 CrPC on next date positively as to whether the copies as asked for, have been supplied or not.

To 25.08.22 for compliance of the copies u/s 207 Cr.P.C on the basis of the I.O and furnish the copy of the latest statement of PPF Account in question.

Let a relevsant portion of the copy of order regarding foreign visit be supplied to the prosecution and petitioner/ Jashpal Singh Chandak on the basis of his prayer and another entire copy of the order be given to the prosecution and

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relevant portion of the copy of this order regarding sell of the flat in quesstion and defreezing of account in question be given to the A1 and another petitioner Shalu Singh.

Sd-

Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta

Order No. 245

Dated : 28.06.2022

Ld. Lawyer for petitioner Mr. Jashpal Singh Chandak also draws my attention that on 21.06.22 one petition with a prayer for foreign visit was filed and the same is also fixed today for hearing.

It is also taken up for hearing.

The petitioner Jashpal Singh Chandak, in writing, has submitted inter alia that he is a businessman and proprietor of M/S. Balu India for dealing with the business of manufacturing goods as export house to export in different countries including Dubai, Turkey, England, France etc.. For the business purpose, he is used to frequently visit abroad and he had been permitted by this court to travel abroad for augment business purpose on several previous occasions.

It is further submitted that again further purpose of his business, he is to go to abroad during the period from 01.07.22 to 20.08.22 , 10.09.22 to 30.09.22 , 15.10.22 to 30.10.22 , 15.11.22 to 30.11.22 and 12.12.22 to 31.12.22 for his business to beyond India.

He is praying for permitting him to travel beyond India by intimating to the CBI Authority and pass such other appropriate order. Prayer of the petitioner supported with itinerary. This petition is moved by his Ld. Advocate.

Ld. PP for CBI has strongly raised objection by submitting that the petitioner being one of the accused, is facing this criminal proceeding and the trial is still pending and if he is permitted to go abroad then there is every chance of absconding and it will hamper the trial.

Heard both sides.

It appears from the record that this accused person being a businessman dealing export business of manufacturing goods, has been granted permission by this court time to time to visit abroad in earlier occasions and this accused/petitioner has complied the court's direction.

It is also pertinent to mention that the stage of the case is not yet made ready for trial as because copy u/s 207 Cr.P.C has not yet been fully supplied with.

Considering all these aspects, I find that there is no reason to apprehend for absconding.

As such, the prayer for permission to visit abroad should be allowed upto 30.10.22 with certain conditions each and every interval visit, he has to report to the court by appearing in person. It is meant that petitioner after completion of 1st phase of visit starts from 01.07.22 to 23.07.22 has to report to the court as soon

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as he arrived in India, in same way, after completion of 2nd phase visit from 04.08.22 to 20.08.22 he has to report to this court, after completion of 3rd phase visit from 10.09.22 to 30.09.22 he has to report to this court and last phase of visit from 15.10.22 to 30.10.22 he has to report.

He is further directed that before leaving country for travelling abroad in each phase he has to furnish the roaming phone number to the I.O of this case, so that IO can keep in touch with him during his visit in abroad.

At this stage, the prayer for visit from 15.11.22 to 30.11.22 and 12.12.22 to 31.12.22 stands rejected.

Sd-

Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta

Copy to

Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta

Order No. 245

Dated : 28.06.2022

Accordingly, the petition for foreign visit dated 20.06.22 filed by accused Jashpal Singh Chandak stands disposed of on contest.

Today is also fixed for hearing the prayer for sell off one flat located in Mukherjee Enclave, Anishabad, Mouza Dhira Chak, PS- Gardani Bag, Dist-Patna and also the prayer for defreez PPF Account of Shalu Singh. Both petitions are taken for consideration.

Petitioner/A1 A.M. Sahay has stated in writing on 21.02.22 that this court vide order dated 24.09.14 had returned all the property papers including Sell Deed No. 14680 of the year 2012 relating to flat in question and he has sought permission to sell off flat in question. The petition is moved by his Ld. Advocate. Ld. PP has submitted that I.O has filed written no objection on the ground state therein.

On carefull perusal of the no objection petition filed by I.O, it appears that the petitioner has sought for permission to sell or dispose of the flat No.204 in Mukherjee Enclave, Anishabad, Mouza- Dhira Chak, PS- Gardani Bag, Dist-Patna in the name of A1 Sahay and his wife Sima Sahay. In para 6 he has stated that the said property has not yet been relied upon by CBI in the investigation of the instant case and the CBI has no connection to sell or dispose of as desired by the petitioner. So he has prayed before this court to pass suitable order as deem fit.

In view of the no objection petition filed by the I.O before this court on the ground of not reliable upon the property in question by investigeting agency in the instant case, I think there is no legal impedement to allow the prayer of the petitioner.

As such, A1/petitioner is permitted to sell or dispose of flat No.204 in Mukherjee Enclave, Anishabad, Mouza- Dhira Chak, PS- Gardani Bag, Dist-Patna in respect of Sell Deed No. 14680 of the year 2012 subject to the condition that after disposal of the property, the petitioner has to furnish the xerox copy of current Sell Deed to this court for future reference.

Sd-

Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta

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Judge, 3rd Special
(CBI Designated) Court,
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Dated : 28.06.2022

Now, the prayer for defreezing the PPF Account is taken up for consideration. Petitioner Smt. Shalu Singh has prayed for defreezing PPF Account No. 30709275809 maintained with State Bank of India Versova Branch, Mumbai in the name of her.

Heard the Ld. Lawyer for the petitioner.

Heard the Ld. PP for CBI who has clearly submitted that there is no objection on the part of the prosecution as I.O has furnished the written no objection petition.

I have perused the no objection petition of the I.O. It appears that I.O in Para 4 of his no objection petition has stated that the petitioner has been praying for to defreez PPF Account No. 30709275809 maintained with SBI in the name of the her, in Para-5 I.O has stated that during investigation searches were conducted on various places including the residence of accused public servant Sri. A.M. Sahay , documents pertaining to investment of the said accused and his family members were found from his residence and as well as from the possession of the some private persons. Accordingly, all such accounts were freezed by CBI. The bank statement of those accounts were located by CBI during course of investigation.

In Para 6, he has further stated that defreez of PPF Account No. 30709275809 in the name of the petitioner, maintained with SBI above named branch was not found relevant in the perspective of investigation of the alleged offences of the instant case and was accordingly, not mentioned as relied upon document. So he has no objection for defreezing the above named account.

In view of the no objection petition filed by the I.O on the ground stated therein, I find no reason to refuse the prayer of the petitioner.

As such the prayer of the petitioner stands allowed and the Branch Manager of that SBI Versova Branch, Mumbai is hereby directed to defreez PPF Account No. 30709275809 and further directed to send or forward the latest statement of that PPF Account to the court for future reference. The copy of the order sheet be forwarded to the branch Manager of that bank through I.O of this case and I.O has to collect the latest statement of account in question for submitting before the court on next date.

Sd-

Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta

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Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta

Now, I have to consider the non supplying copy in question and prayer of I.O for personal appearance.

Today is also fixed for non supplying of copies.

It is found that I.O is not present in person.

On being asked to the Id. PP for CBI about the absence of I.O by defying the court's order then Ld. P.P has stated that I.O has been duly informed and he is on the way.

Subsequently, within one hour at about 11.45 A.M , I.O appears before the court and on being asked the non compliance of the court's order then I.O on dock prays for appology and in writing he has stated that due to the engagement of investigation of the case referred by the Hon'ble High Court and due to his inadvertant mistake he failed to appear in person as directed by this court first day on 23.11.21, 2nd day on 06.01.22, 3rd day on 20.04.22 and lastly today (28.06.22) . He prayed for exemption from his lapses.

On the basis of his prayer and oral appology, I.O is exonerated from his lapses with a caution that he be vigilant and sincere towards the court's order in future.

In the same petition, I.O has also stated regarding the non supplying the copies that on 24.07.19 copies were supplied as per section 207 Cr.P.C. on the basis of the petition dated 08.10.18 and 01.10.19 filed by the petitioner. But the receipt regarding receiving of the copy is not available in their record so he has prayed for time either to submit that receipt or to supply the copiesa afresh as asked for.

On hearing both sides and after considering the prayer of the I.O the time is allowed with a direction to submit report regarding compliance of section 207 CrPC on next date positively as to whether the copies as asked for, have been supplied or not.

To 25.08.22 for compliance of the copies u/s 207 Cr.P.C on the basis of the I.O and furnish the copy of the latest statement of PPF Account in question.

Let a relevsant portion of the copy of order regarding foreign visit be supplied to the prosecution and petitioner/ Jashpal Singh Chandak on the basis of his prayer and another entire copy of the order be given to the prosecution and

Contd...

relevant portion of the copy of this order regarding sell of the flat in quesstion and defreezing of account in question be given to the A1 and another petitioner Shalu Singh.

Dict. & Corr. By me:-

Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta